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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
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9 David Ortiz,) No. CV 13-2097-PHX-JAT
10 Plaintiff,) **ORDER**
11 vs.)
12)
13 Zurich American Insurance Company;)
14 Sedgwick CMS, Inc.; Kelly Thompson,)
15 Defendants.)

16 “Inquiring whether the court has jurisdiction is a federal judge’s first duty in every
17 case.” *Belleville Catering Co. v. Champaign Market Place, L.L.C.*, 350 F.3d 691, 693 (7th
18 Cir. 2003). In this case, the complaint fails to sufficiently plead jurisdiction. *See* 28 U.S.C.
19 § 1332(c)(1); *Hertz Corp. v. Friend*, 559 U.S. 77, 80, 92-93 (2010) (discussing the
20 citizenship of a corporation).

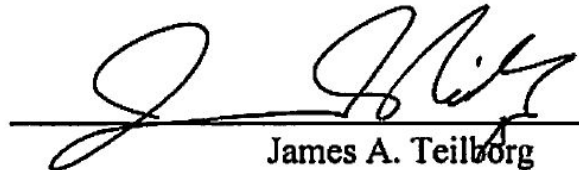
21 Accordingly,

22 **IT IS ORDERED** that by December 23, 2013, Plaintiff shall file a supplement to the
23 complaint properly alleging federal subject matter jurisdiction, or this case will be dismissed
24 without prejudice for lack of federal subject matter jurisdiction.

25 **IT IS FURTHER ORDERED** that XYZ Corporations and John Does 1-26 are
26 dismissed because the Federal Rules of Civil Procedure do not permit the use of fictitious
27 Defendants. *See, e.g.*, Fed. R. Civ. P. 10(a); *Craig v. U.S.*, 413 F.2d 854, 856 (9th Cir.), cert.
28

1 denied, 396 U.S. 987 (1969); *Molnar v. Nat'l Broadcasting Co.*, 231 F.2d 684, 686-87 (9th
2 Cir. 1956).

3 DATED this 9th day of December, 2013.

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7 James A. Teilborg
8 Senior United States District Judge
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